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Introduced and read first time: February 6, 2003  
Assigned to: Health and Government Operations

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 21, 2003

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Children with Disabilities - Voluntary Placements**

3 FOR the purpose of requiring the juvenile court, in a child in need of assistance  
4 (CINA) disposition hearing, to take certain actions if the court finds that a child  
5 is in need of assistance solely because of a developmental disability or mental  
6 disorder under certain circumstances; prohibiting the juvenile court from  
7 changing a child's custody status under certain circumstances; ~~authorizing the~~  
8 ~~juvenile court to order a local department of social services or the Department of~~  
9 ~~Health and Mental Hygiene to take certain actions under certain circumstances;~~  
10 granting exclusive, original jurisdiction to the juvenile court over a certain  
11 disposition hearing for child under a certain age; establishing venue for filing a  
12 petition for a certain disposition hearing; establishing that in Prince George's  
13 County a master for juvenile causes may conduct a certain disposition hearing;  
14 authorizing the juvenile court to exclude the public from a certain disposition  
15 hearing; specifying the contents of a certain petition; establishing a certain time  
16 frame for conducting a certain disposition hearing; requiring the juvenile court  
17 to make certain determinations in a certain disposition hearing; requiring the  
18 juvenile court to take certain actions in making a certain disposition; requiring  
19 the juvenile court to conduct a certain permanency plan hearing; requiring the  
20 Social Services Administration to establish an out-of-home placement program  
21 for children in voluntary placements; prohibiting a local department from  
22 seeking legal custody of a child with certain disabilities under certain  
23 circumstances; authorizing a child with certain disabilities to remain in an  
24 out-of-home placement for more than a specified period of time under certain

1 circumstances; requiring a local department of social services to provide certain  
2 services to a child placed in accordance with a voluntary placement agreement;  
3 requiring a local department to file a petition with the juvenile court for a  
4 voluntary disposition hearing within a certain time period; prohibiting a child  
5 from being committed to the custody or guardianship of a local department  
6 solely for certain reasons; defining certain terms; altering certain definitions;  
7 making clarifying changes; and generally relating to children with disabilities.

8 BY repealing and reenacting, with amendments,  
9 Article - Courts and Judicial Proceedings  
10 Section 3-801, 3-803(a), 3-804(a), 3-805(a), 3-807(a)(4)(i), 3-810(b)(1),  
11 3-811(a), 3-817(a), 3-819(a), (b), and (c), 3-820(a), and 3-823(b)(1) and  
12 (h)(1)  
13 Annotated Code of Maryland  
14 (2002 Replacement Volume)

15 BY repealing and reenacting, without amendments,  
16 Article - Courts and Judicial Proceedings  
17 Section 3-819(h), (i), and (j) and 3-823(a)  
18 Annotated Code of Maryland  
19 (2002 Replacement Volume)

20 BY adding to  
21 Article - Courts and Judicial Proceedings  
22 Section 3-819.1  
23 Annotated Code of Maryland  
24 (2002 Replacement Volume)

25 BY repealing and reenacting, without amendments,  
26 Article - Family Law  
27 Section 5-501(a), (b), (l), and (m)  
28 Annotated Code of Maryland  
29 (1999 Replacement Volume and 2002 Supplement)

30 BY adding to  
31 Article - Family Law  
32 Section 5-501(r)  
33 Annotated Code of Maryland  
34 (1999 Replacement Volume and 2002 Supplement)

35 BY repealing and reenacting, with amendments,  
36 Article - Family Law  
37 Section 5-525(a), (b),(c)(1) and (2)(i), and (i)  
38 Annotated Code of Maryland

1 (1999 Replacement Volume and 2002 Supplement)

2 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
3 MARYLAND, That the Laws of Maryland read as follows:

4 **Article - Courts and Judicial Proceedings**

5 3-801.

6 (a) In this subtitle the following words have the meanings indicated.

7 (b) "Abuse" means:

8 (1) Sexual abuse of a child, whether a physical injury is sustained or not;  
9 or

10 (2) Physical or mental injury of a child under circumstances that  
11 indicate that the child's health or welfare is harmed or is at substantial risk of being  
12 harmed by:

13 (i) A parent or other individual who has permanent or temporary  
14 care or custody or responsibility for supervision of the child; or

15 (ii) A household or family member.

16 (c) "Adjudicatory hearing" means a hearing under this subtitle to determine  
17 whether the allegations in the petition, other than the allegation that the child  
18 requires the court's intervention, are true.

19 (d) "Adult" means an individual who is at least 18 years old.

20 (e) "Child" means an individual under the age of 18 years.

21 (f) "Child in need of assistance" means a child who requires court intervention  
22 because:

23 (1) The child has been abused, has been neglected, has a developmental  
24 disability, or has a mental disorder; and

25 (2) The child's parents, guardian, or custodian are unable or unwilling to  
26 give proper care and attention to the child and the child's needs.

27 (g) "CINA" means a child in need of assistance.

28 (h) "CINA DISPOSITION HEARING" MEANS A HEARING UNDER THIS SUBTITLE  
29 TO DETERMINE:

30 (1) WHETHER A CHILD IS IN NEED OF ASSISTANCE; AND

31 (2) IF SO, THE NATURE OF THE COURT'S INTERVENTION TO PROTECT  
32 THE CHILD'S HEALTH, SAFETY, AND WELL-BEING.

1 (I) "Commit" means to transfer custody.

2 [(i)] (J) "Court" means the circuit court for a county sitting as the juvenile  
3 court.

4 [(j)] (K) "Custodian" means a person or governmental agency to whom  
5 custody of a child has been given by order of court, including a court other than the  
6 juvenile court.

7 [(k)] (L) "Custody" means the right and obligation, unless otherwise  
8 determined by the court, to provide ordinary care for a child and determine  
9 placement.

10 [(l)] (M) "Developmental disability" means a severe chronic disability of an  
11 individual that:

12 (1) Is attributable to a physical or mental impairment, other than the  
13 sole diagnosis of mental illness, or to a combination of mental and physical  
14 impairments;

15 (2) Is likely to continue indefinitely;

16 (3) Results in an inability to live independently without external support  
17 or continuing and regular assistance; and

18 (4) Reflects the need for a combination and sequence of special,  
19 interdisciplinary, or generic care, treatment, or other services that are individually  
20 planned and coordinated for the individual.

21 [(m)] "Disposition hearing" means a hearing under this subtitle to determine:

22 (1) Whether a child is in need of assistance; and

23 (2) If so, the nature of the court's intervention to protect the child's  
24 health, safety, and well-being.]

25 (n) "Guardian" means a person to whom guardianship of a child has been  
26 given by order of court, including a court other than the juvenile court.

27 (o) "Guardianship" means an award by a court, including a court other than  
28 the juvenile court, of the authority to make ordinary and emergency decisions as to  
29 the child's care, welfare, education, physical and mental health, and the right to  
30 pursue support.

31 (p) "Local department" means the local department of social services for the  
32 county in which the court is located.

33 (q) (1) "Mental disorder" means a behavioral or emotional illness that  
34 results from a psychiatric or neurological disorder.

1           (2)     "Mental disorder" includes a mental illness that so substantially  
2 impairs the mental or emotional functioning of an individual as to make care or  
3 treatment necessary or advisable for the welfare of the individual or for the safety of  
4 the person or property of another.

5           (3)     "Mental disorder" does not include mental retardation.

6     (r)     "Mental injury" means the observable, identifiable, and substantial  
7 impairment of a child's mental or psychological ability to function.

8     (s)     "Neglect" means the leaving of a child unattended or other failure to give  
9 proper care and attention to a child by any parent or individual who has permanent or  
10 temporary care or custody or responsibility for supervision of the child under  
11 circumstances that indicate:

12           (1)     That the child's health or welfare is harmed or placed at substantial  
13 risk of harm; or

14           (2)     That the child has suffered mental injury or been placed at  
15 substantial risk of mental injury.

16     (t)     "Parent" means a natural or adoptive parent whose parental rights have  
17 not been terminated.

18     (u)     (1)     "Party" means:

19                   (i)     A child who is the subject of a petition;

20                   (ii)    The child's parent, guardian, or custodian;

21                   (iii)   The petitioner; or

22                   (iv)    An adult who is charged under § 3-828 of this subtitle.

23           (2)     "Party" does not include a foster parent.

24     (v)     (1)     "Sexual abuse" means an act that involves sexual molestation or  
25 sexual exploitation of a child by:

26                   (i)     A parent or other individual who has permanent or temporary  
27 care or custody or responsibility for supervision of the child; or

28                   (ii)    A household or family member.

29           (2)     "Sexual abuse" includes:

30                   (i)     Incest;

31                   (ii)    Rape;

32                   (iii)   Sexual offense in any degree;

1 (iv) Sodomy; and

2 (v) Unnatural or perverted sexual practices.

3 (w) "Shelter care" means a temporary placement of a child outside of the home  
4 at any time before disposition.

5 (x) "Shelter care hearing" means a hearing held before disposition to  
6 determine whether the temporary placement of the child outside of the home is  
7 warranted.

8 (y) "TPR proceeding" means a proceeding to terminate parental rights.

9 (Z) "VOLUNTARY PLACEMENT" MEANS A PLACEMENT IN ACCORDANCE WITH §  
10 5-525 OF THE FAMILY LAW ARTICLE.

11 (AA) "VOLUNTARY PLACEMENT DISPOSITION HEARING" MEANS A HEARING TO  
12 OBTAIN A JUDICIAL DETERMINATION AS TO WHETHER CONTINUING A VOLUNTARY  
13 PLACEMENT IS IN THE BEST INTERESTS OF THE CHILD.

14 3-803.

15 (a) In addition to the jurisdiction specified in Subtitle 8A of this title, the court  
16 has exclusive original jurisdiction over:

17 (1) VOLUNTARY PLACEMENT DISPOSITION HEARINGS;

18 (2) Proceedings arising from a petition alleging that a child is a CINA;

19 [(2)] (3) Proceedings arising under the Interstate Compact on the  
20 Placement of Children;

21 [(3)] (4) Proceedings to terminate parental rights after a CINA  
22 proceeding;

23 [(4)] (5) Guardianship review proceedings after a TPR proceeding; and

24 [(5)] (6) Adoption proceedings, if any, after a TPR proceeding.

25 3-804.

26 (a) The court has jurisdiction under this subtitle only if the alleged CINA OR  
27 CHILD IN A VOLUNTARY PLACEMENT is under the age of 18 years when the petition is  
28 filed.

29 3-805.

30 (a) (1) A petition alleging that a child is a CINA shall be filed in the county  
31 where:

32 [(1)] (I) The child is residing when the petition is filed; or



1 (3) If the court delays a [disposition] CINA DISPOSITION hearing, it shall  
 2 be held no later than 30 days after the conclusion of the adjudicatory hearing unless  
 3 good cause is shown.

4 (b) (1) In making a disposition on a petition under this subtitle, the court  
 5 shall:

6 [(1)] (I) Find that the child is not in need of assistance and, except as  
 7 provided in subsection (e) of this section, dismiss the case; or

8 [(2)] (II) Find that the child is in need of assistance and:

9 [(i)] 1. Not change the child's custody status; or

10 [(ii)] 2. Commit the child to the custody of:

11 [1.] A. A parent, relative, or other individual on terms the  
 12 court considers appropriate; or

13 [2.] B. A local department, the Department of Health and  
 14 Mental Hygiene, or both, on terms that the court considers appropriate, including  
 15 designation of the type of facility where the child is to be placed.

16 (2) IF THE COURT FINDS THAT THE CHILD IS IN NEED OF ASSISTANCE  
 17 SOLELY BECAUSE OF THE CHILD'S ~~NEEDS, CARE, NEED FOR CARE~~ OR TREATMENT AS  
 18 A RESULT OF A DEVELOPMENTAL DISABILITY OR A MENTAL DISORDER AND THE  
 19 CHILD'S PARENTS, GUARDIAN, OR CUSTODIAN ARE UNABLE TO PROVIDE THE CARE  
 20 OR TREATMENT, THE COURT:

21 (I) SHALL MAKE A FINDING AS TO WHETHER REASONABLE  
 22 EFFORTS WERE MADE TO MEET THE ~~HEALTH AND SAFETY CARE OR TREATMENT~~  
 23 NEEDS OF THE CHILD AND, WHERE POSSIBLE, TO PRESERVE THE FAMILY; AND

24 ~~(II) SHALL JOIN THE DEPARTMENT OF HEALTH AND MENTAL~~  
 25 ~~HYGIENE AS A PARTY;~~

26 ~~(III) (II) MAY NOT CHANGE THE CHILD'S CUSTODY STATUS; AND,~~

27 ~~(IV) MAY ORDER THE LOCAL DEPARTMENT AND THE DEPARTMENT~~  
 28 ~~OF HEALTH AND MENTAL HYGIENE:~~

29 1. ~~TO DEVELOP AN INDIVIDUAL TREATMENT PLAN FOR THE~~  
 30 ~~CHILD, WITH INPUT FROM THE CHILD'S FAMILY, WHICH SHALL BE SUBMITTED TO~~  
 31 ~~THE COURT WITHIN 30 DAYS; AND~~

32 2. ~~TO PROVIDE SERVICES TO THE CHILD IN THE LEAST~~  
 33 ~~RESTRICTIVE ENVIRONMENT BASED ON THE CHILD'S INDIVIDUAL TREATMENT PLAN.~~

34 (c) In addition to any action under subsection [(b)(2)] (B)(1) of this section, the  
 35 court may:

1 (1) (i) Place a child under the protective supervision of the local  
2 department on terms the court considers appropriate;

3 (ii) Grant limited guardianship to the department or an individual  
4 or both for specific purposes including medical and educational purposes or for other  
5 appropriate services if a parent is unavailable, unwilling, or unable to consent to  
6 services that are in the best interest of the child; or

7 (iii) Order the child and the child's parent, guardian, or custodian to  
8 participate in rehabilitative services that are in the best interest of the child and  
9 family; and

10 (2) Determine custody, visitation, support, or paternity of a child in  
11 accordance with § 3-803(b) of this subtitle.

12 (h) The court may not commit a child for inpatient care and treatment in a  
13 psychiatric facility unless the court finds on the record based on clear and convincing  
14 evidence that:

15 (1) The child has a mental disorder;

16 (2) The child needs inpatient medical care or treatment for the  
17 protection of the child or others;

18 (3) The child is unable or unwilling to be voluntarily admitted to such  
19 facility; and

20 (4) There is no less restrictive form of intervention available that is  
21 consistent with the child's condition and welfare.

22 (i) The court may not commit a child for inpatient care and treatment in a  
23 facility for the developmentally disabled unless the court finds on the record based on  
24 clear and convincing evidence that:

25 (1) The child is developmentally disabled;

26 (2) The condition is of such a nature that for the adequate care or  
27 protection of the child or others, the child needs in-residence care or treatment; and

28 (3) There is no less restrictive form of care and treatment available that  
29 is consistent with the child's welfare and safety.

30 (j) (1) (i) Each commitment order issued under subsection (h) or (i) of this  
31 section shall require the custodian to file progress reports with the court at intervals  
32 no greater than every 6 months during the life of the order.

33 (ii) The custodian shall provide each party or attorney of record  
34 with a copy of each report, which shall be considered at the next scheduled hearing.

35 (iii) After the first 6 months of the commitment and at 6-month  
36 intervals thereafter, on the request of any party, the custodian, or the facility, the

1 court shall hold a hearing to determine whether the standards specified in subsection  
2 (h) or (i) of this section continue to be met.

3           (2)   (i)    If an individualized treatment plan developed under § 10-706 of  
4 the Health - General Article recommends that a child no longer meets the standards  
5 specified in subsection (h) of this section, the court shall grant a hearing to review the  
6 commitment order.

7                   (ii)   The court may grant a hearing at any other time to determine  
8 whether the standards specified in subsection (h) of this section continue to be met.

9           (3)   (i)    If an individualized plan of habilitation developed under §  
10 7-1006 of the Health - General Article recommends that a child no longer meets the  
11 standards specified in subsection (i) of this section, the court shall grant a hearing to  
12 review the commitment order.

13                   (ii)   The court may grant a hearing at any other time to determine  
14 whether the standards specified in subsection (i) of this section continue to be met.

15 3-819.1.

16   (A)    UNLESS A PETITION FOR A VOLUNTARY PLACEMENT DISPOSITION  
17 HEARING UNDER THIS SUBTITLE IS DISMISSED, THE COURT SHALL HOLD A  
18 VOLUNTARY PLACEMENT DISPOSITION HEARING WITHIN 30 DAYS AFTER THE FILING  
19 OF THE PETITION TO DETERMINE:

20           (1)    WHETHER CONTINUATION OF THE PLACEMENT IS IN THE CHILD'S  
21 BEST INTERESTS; AND

22           (2)    WHETHER REASONABLE EFFORTS HAVE BEEN MADE TO REUNITE  
23 THE CHILD WITH THE FAMILY OR PLACE THE CHILD IN A TIMELY MANNER IN  
24 ACCORDANCE WITH THE CHILD'S PERMANENCY PLAN.

25   (B)    IN MAKING A DISPOSITION ON A VOLUNTARY PLACEMENT PETITION  
26 UNDER THIS SECTION, THE COURT SHALL:

27           (1)    ORDER THE CHILD'S VOLUNTARY PLACEMENT TO BE TERMINATED  
28 AND THE CHILD RETURNED TO THE CHILD'S HOME AND PROVIDED WITH AVAILABLE  
29 SERVICES AND SUPPORT NEEDED FOR THE CHILD TO REMAIN IN THE HOME;

30           (2)    ORDER THE CHILD'S VOLUNTARY PLACEMENT TO CONTINUE IF THE  
31 LOCAL DEPARTMENT AND THE CHILD'S PARENT OR GUARDIAN CONTINUE TO AGREE  
32 TO THE VOLUNTARY PLACEMENT;

33           (3)    SUBJECT TO THE PROVISIONS OF § 3-819 (H), (I), AND (J) OF THIS  
34 SUBTITLE, ORDER AN AMENDMENT TO THE VOLUNTARY PLACEMENT AGREEMENT  
35 TO ADDRESS THE NEEDS OF THE CHILD; OR

1 (4) IF NECESSARY TO ENSURE THE CARE, PROTECTION, SAFETY, AND  
2 MENTAL AND PHYSICAL DEVELOPMENT OF THE CHILD, ORDER THE LOCAL  
3 DEPARTMENT TO FILE A CINA PETITION.

4 3-820.

5 (a) After [disposition] A CINA DISPOSITION, when the court has ordered a  
6 specific placement of a child, a local department may remove the child from that  
7 placement prior to a hearing only if:

8 (1) Removal is required to protect the child from serious immediate  
9 danger;

10 (2) The child's continued placement in the court-ordered placement is  
11 contrary to the welfare of the child; or

12 (3) The person or agency with whom the child is placed has requested  
13 the immediate removal of the child.

14 3-823.

15 (a) In this section, "out-of-home placement" has the meaning stated in §  
16 5-501 of the Family Law Article.

17 (b) (1) The court shall hold a permanency planning hearing:

18 (i) No later than 11 months after a child in a CINA proceeding OR  
19 A VOLUNTARY PLACEMENT enters an out-of-home placement to determine the  
20 permanency plan for the child committed under § 3-819(b) of this subtitle; or

21 (ii) Within 30 days after the court finds that reasonable efforts to  
22 reunify a child with the child's parent or guardian are not required based on a finding  
23 that a circumstance enumerated in § 3-812 of this subtitle has occurred.

24 (h) (1) (i) Except as provided in subparagraphs (ii) and (iii) of this  
25 paragraph, the court shall conduct a hearing to review the permanency plan at least  
26 every 6 months until commitment is rescinded OR A VOLUNTARY PLACEMENT IS  
27 TERMINATED.

28 (ii) The court shall conduct a review hearing every 12 months after  
29 the court determines that the child shall be continued in out-of-home placement with  
30 a specific caregiver who agrees to care for the child on a permanent basis.

31 (iii) 1. Unless the court finds good cause, a case shall be  
32 terminated after the court grants custody and guardianship of the child to a relative  
33 or other individual.

34 2. If the court finds good cause not to terminate a case, the  
35 court shall conduct a review hearing every 12 months until the case is terminated.

**Article - Family Law**

1 5-501.

2 (a) In this subtitle the following words have the meanings indicated.

3 (b) "Administration" means the Social Services Administration of the  
4 Department.

5 (l) "Local department" means a local department of social services for a  
6 county.

7 (m) "Out-of-home placement" means placement of a child into foster care,  
8 kinship care, group care, or residential treatment care.

9 (R) "VOLUNTARY PLACEMENT AGREEMENT" MEANS A BINDING, WRITTEN  
10 AGREEMENT VOLUNTARILY ENTERED INTO BETWEEN A LOCAL DEPARTMENT AND  
11 THE PARENT OR LEGAL GUARDIAN OF A MINOR CHILD WITH AN EMOTIONAL,  
12 PHYSICAL, OR DEVELOPMENTAL DISABILITY THAT PROVIDES THAT LEGAL CUSTODY  
13 DOES NOT TRANSFER TO THE LOCAL DEPARTMENT AND THAT SPECIFIES, AT A  
14 MINIMUM, THE LEGAL STATUS OF THE CHILD AND THE RIGHTS AND OBLIGATIONS  
15 OF THE PARENT OR LEGAL GUARDIAN, THE CHILD, AND THE LOCAL DEPARTMENT  
16 WHILE THE CHILD IS IN PLACEMENT.  
17

18 5-525.

19 (a) ~~(1)~~ The Administration shall establish a program of out-of-home  
20 placement for minor children:

21 ~~{(1)}~~ ~~(1)~~ who are placed in the custody of a local department, for a period  
22 of not more than 6 months, by a parent or legal guardian under a written agreement  
23 voluntarily entered into with the local department; [or]

24 (2) WHO, WITH THE APPROVAL OF THE ADMINISTRATION, ARE PLACED  
25 IN AN OUT-OF-HOME PLACEMENT BY THE LOCAL DEPARTMENT UNDER A  
26 VOLUNTARY PLACEMENT AGREEMENT, AS PROVIDED UNDER SUBSECTION (B)(2) OF  
27 THIS SECTION; OR

28 ~~[(2)]~~ ~~(1)~~ (3) who are abused, abandoned, neglected, or dependent, if a  
29 juvenile court:

30 ~~{(i)}~~ ~~1-~~ has determined that continued residence in the child's  
31 home is contrary to the child's welfare; and

32 ~~{(ii)}~~ ~~2-~~ has committed the child to the custody or guardianship of  
33 a local department; ~~OR.~~

34 (b) (1) In establishing the out-of-home placement program the  
35 Administration shall:

1 [(1)] (I) provide time-limited family reunification services to a child  
2 placed in an out-of-home placement and to the parents or guardian of the child, in  
3 order to facilitate the child's safe and appropriate reunification within a timely  
4 manner; and

5 [(2)] (II) concurrently develop and implement a permanency plan that is  
6 in the best interests of the child.

7 (2) (I) THE LOCAL DEPARTMENT MAY NOT SEEK LEGAL CUSTODY OF  
8 A CHILD WITH A DEVELOPMENTAL DISABILITY OR MENTAL ILLNESS PLACED IN AN  
9 OUT-OF-HOME PLACEMENT UNDER A VOLUNTARY PLACEMENT AGREEMENT TO  
10 OBTAIN TREATMENT OR CARE FOR THE CHILD'S DEVELOPMENTAL DISABILITY OR  
11 MENTAL ILLNESS THAT THE PARENT OR LEGAL GUARDIAN IS UNABLE TO PROVIDE.

12 (II) A LOCAL DEPARTMENT SHALL FILE A PETITION WITH THE  
13 JUVENILE COURT FOR A VOLUNTARY PLACEMENT DISPOSITION HEARING TO OCCUR  
14 BEFORE A CHILD PLACED IN AN OUT-OF-HOME PLACEMENT UNDER A VOLUNTARY  
15 PLACEMENT AGREEMENT HAS BEEN IN THE OUT-OF-HOME PLACEMENT FOR 180  
16 DAYS.

17 (III) A CHILD WITH A DEVELOPMENTAL DISABILITY OR MENTAL  
18 ILLNESS MAY CONTINUE TO BE PLACED IN AN OUT-OF-HOME PLACEMENT UNDER A  
19 VOLUNTARY PLACEMENT AGREEMENT FOR MORE THAN 180 DAYS IF:

20 1. THE CHILD'S DEVELOPMENTAL DISABILITY OR MENTAL  
21 ILLNESS NECESSITATES CARE OR TREATMENT IN THE OUT-OF-HOME PLACEMENT  
22 FOR MORE THAN 180 DAYS; AND

23 2. THE JUVENILE COURT MAKES A FINDING THAT THE  
24 PLACEMENT IS IN THE BEST INTERESTS OF THE CHILD.

25 (III) WHO ARE PLACED WITH A LOCAL DEPARTMENT UNDER A  
26 VOLUNTARY PLACEMENT AGREEMENT.

27 (2) (I) THE LOCAL DEPARTMENT MAY NOT SEEK LEGAL CUSTODY OF  
28 A CHILD WITH AN EMOTIONAL, PHYSICAL, OR DEVELOPMENTAL DISABILITY WHO IS  
29 PLACED IN AN OUT-OF-HOME PLACEMENT UNDER A VOLUNTARY PLACEMENT  
30 AGREEMENT IF THE PURPOSE OF THE PLACEMENT IS TO OBTAIN TREATMENT OR  
31 CARE RELATED TO THE CHILD'S DISABILITY THAT THE PARENT IS UNABLE TO  
32 PROVIDE.

33 (II) A CHILD DESCRIBED IN SUBPARAGRAPH (I) OF THIS  
34 PARAGRAPH MAY REMAIN IN AN OUT-OF-HOME PLACEMENT UNDER A VOLUNTARY  
35 PLACEMENT AGREEMENT FOR MORE THAN 6 MONTHS IF THE CHILD'S DISABILITY  
36 NECESSITATES CARE OR TREATMENT IN THE OUT-OF-HOME PLACEMENT FOR MORE  
37 THAN 6 MONTHS AND THE JUVENILE COURT DETERMINES, UNDER § 3-819.1 OF THE  
38 COURTS ARTICLE, THAT CONTINUATION OF THE PLACEMENT IS IN THE BEST  
39 INTERESTS OF THE CHILD.

1 (c) (1) The local department shall provide 24-hour a day care and  
2 supportive services for a child who is committed to its custody or guardianship in an  
3 out-of-home placement on a short-term basis OR PLACED IN ACCORDANCE WITH A  
4 VOLUNTARY PLACEMENT AGREEMENT.

5 (2) (i) A child may not be committed to the custody or guardianship of  
6 a local department and placed in an out-of-home placement solely because the child's  
7 parent or guardian lacks shelter OR SOLELY BECAUSE THE CHILD'S PARENTS ARE  
8 FINANCIALLY UNABLE TO PROVIDE TREATMENT OR CARE FOR A CHILD WITH ~~AN~~  
9 ~~EMOTIONAL, PHYSICAL, OR~~ A DEVELOPMENTAL DISABILITY OR MENTAL ILLNESS.

10 (i) The Administration shall adopt regulations that:

11 (1) for the 12-month period beginning on October 1, 1983, and for each  
12 subsequent 12-month period, establish specific goals as to the maximum number of  
13 children who will remain in foster care for more than 2 years;

14 (2) prohibit a local department from seeking the custody or guardianship  
15 of a child for placement in foster care solely because the child's parent or guardian  
16 lacks shelter OR SOLELY BECAUSE THE CHILD'S PARENTS ARE FINANCIALLY UNABLE  
17 TO PROVIDE TREATMENT OR CARE FOR A CHILD WITH ~~AN EMOTIONAL, PHYSICAL, OR~~  
18 A DEVELOPMENTAL DISABILITY OR MENTAL ILLNESS; and

19 (3) require the local department to make appropriate referrals to  
20 emergency shelter and other services for families with children who lack shelter.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
22 October 1, 2003.